

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

UNITED STATES OF AMERICA,)
) May 25, 2023
)
- versus -) Charleston, SC
)
CORY HOWERTON FLEMING,) 9: 23- 394- 1
)
Defendant.)

TRANSCRIPT OF ARRAIGNMENT AND CHANGE OF PLEA

BEFORE THE HONORABLE RICHARD M. GERGEL
UNITED STATES DISTRICT JUDGE, presiding

A P P E A R A N C E S:

For the Government: EMILY E. LIMEHOUSE, AUSA
KATHLEEN M. STOUGHTON, AUSA
WINSTON D. HOLLIDAY, AUSA
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For the Defendant: DEBORAH B. BARBIER, ESQ.
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Court Reporter: KAREN E. MARTIN, RMR, CRR
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Proceedings reported by stenographic court reporter.
Transcript produced with computer-aided transcription
software.

1 THE COURT: Okay. Mr. Fleming, you've heard the
2 summary provided by the Assistant United States Attorney.
3 Do you dispute any of those facts?

4 THE DEFENDANT: No, sir.

5 THE COURT: Are you telling me under oath that
6 the statements made by the Assistant United States
7 Attorney are accurate?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Let me understand just a little bit.
10 There are two areas here, one of them is that you -- make
11 sure I understand this. There was representation to the
12 circuit court at the time you were obtaining approval of
13 the settlement that attorneys' fees totaled \$1.43 million;
14 is that correct?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: But in fact you intended only to
17 take 672,000; is that correct?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Where was the rest of the money to
20 go?

21 THE DEFENDANT: Um, well, as the Information
22 says, a portion of it was going to be spent by
23 Mr. Murdaugh, approximately a hundred thousand dollars.
24 And then the rest of it, I was under the impression, were
25 going to the beneficiaries of the estate.

1 THE COURT: Well, why would -- if the fees are
2 \$670, 000, then naturally it would go to the beneficiaries
3 of the estate, correct?

4 THE DEFENDANT: I thought they did.

5 THE COURT: But you understand what I'm saying
6 is that normally you wouldn't need to overstate your legal
7 fees because the net amount is what goes to the
8 beneficiaries, correct?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: So let me understand this a little
11 bit better. One day we're going to have a sentencing
12 hearing. I need to understand this. Where did you think
13 the 600-and-some-odd-thousand dollars was going to go if
14 not -- was Mr. Murdaugh to get some portion of it?

15 THE DEFENDANT: A portion, yes, sir.

16 THE COURT: How much?

17 THE DEFENDANT: Around a hundred thousand
18 dollars roughly.

19 THE COURT: Now, is that a normal thing that
20 defendants get, a hundred thousand dollars of the
21 plaintiff's attorneys' fees?

22 THE DEFENDANT: No, sir.

23 (WHEREUPON, the defendant and attorney spoke
24 privately.)

25 THE COURT: And what was the thinking behind the

1 after a Presentence Report is prepared. My probation
2 office will work with you to provide me the fullest sort
3 of understanding presentencing. The probation officer
4 works for me, doesn't work for the prosecutor. I urge you
5 to cooperate so I can get a better understanding of sort
6 of the full picture here and the full person that I will
7 be sentencing.

8 My magistrate judge, Judge Cherry, will address
9 bond issues and my Marshals will escort you over there for
10 that.

11 Any further matters to come before the Court at
12 this point?

13 MS. LIMEHOUSE: Nothing from the Government,
14 Your Honor.

15 THE COURT: Ms. Barbier?

16 MS. BARBIER: Nothing further, Your Honor.
17 Thank you for making time to do this today.

18 THE COURT: Glad to do it.

19 This hearing is adjourned.

20 (WHEREUPON, court was adjourned at 2:47 PM)

21 ***

22 I certify that the foregoing is a correct transcript from
23 the record of proceedings in the above-entitled matter.

24 s/ Karen E. Martin

5/26/2023

25 Karen E. Martin, RMR, CRR

Date _____